

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which Applicant regards as the invention.

The Examiner has requested that a statement referencing the priority document(s) be added to the specification. Applicant notes that the current application is a PCT application that has entered the U.S. national stage, and that priority is claimed from Japanese patent application No. 2000-044568 under 35 USC 119. Applicant is aware of no requirement to make reference to such a priority document in the specification itself. If the Examiner has authority for including such a statement, the Examiner is requested to provide a reference to such authority to the Applicant.

An English translation of the foreign application is requested to obtain the benefit of foreign priority under 35 U.S.C. § 119(a)-(d). The Examiner is reminded that if an election of any Contracting State has been effected prior to an expiration of the 19th month from a priority date, Applicant shall not be required to furnish the priority document. Since the original Japanese application was filed on February 22, 2000 with the Japanese Patent Office as a receiving Office, and the international application was timely filed on February 21, 2001 claiming priority of the Japanese application, Applicant shall not be required to furnish a translation of the priority document (See MPEP-Patent Cooperation Treaty § 76.4). A copy of the international application (and an English translation) may be required by the examiner to perfect the claim for benefit under 35 U.S.C. § 120 and 365(c) if necessary, for example, where an intervening reference is found and applied in a rejection of one or more claims (MPEP 1895.01). Thus, the Examiner is requested to show an appropriate reason to require the translation. The Examiner is also reminded that the mere request for unnecessary

translations may impose an excessive amount of time and cost to the Applicant, and thus Applicant does not want to incur such expenses unless absolutely necessary.

The abstract is objected to because of a formality. The abstract has been amended to more clearly and concisely describe the claimed invention in the format in compliance with 37 C.F.R. § 1.72.

The disclosure is objected to because of a formality. The reference to the claimed priority has been added to the first paragraph of the specification, and equivalent English units have been added following the metric units in the specification.

An English translation of the nonessential material, Japanese patent No. 65494/1999 has been requested as per 37 C.F.R. §1.57(f). Applicant respectfully submits that unless the application must be amended to include an inadvertently omitted portion of the specification or drawing(s) or must insert the material incorporated by reference into the specification or drawing(s), an English translation of nonessential material shall not be required, and requests the Examiner to show an appropriate reason to require the translation.

Claims 18-28, 30-42 and 50 are objected to under 37 C.F.R. § 1.75 (c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Claims 18-28, 30-42 and 50 have been canceled, and therefore this objection is now moot.

Claims 44-49 are objected to under 37 C.F.R. § 1.75 (c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 44-49 have been canceled, and therefore this objection is now moot.

Claim 17 is objected to under 37 C.F.R. § 1.75 (c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 17 has been canceled, and therefore this objection is now moot.

Claims 13 and 14 are rejected under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. Claims 13 and 14 have been canceled, and therefore this rejection is now moot.

Claim 15 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claim 15 has been canceled, and therefore this rejection is now moot.

Claims 1-50 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-50 have been canceled, and therefore this rejection is now moot.

Claims 43-49 are rejected under 35 U.S.C. § 101 because the disclosed invention is inoperative and therefore lacks utility. Claims 43-49 have been canceled, and therefore this rejection is now moot.

Claims 44-48 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 44-48 have been canceled, and therefore this rejection is now moot.

Claims 1-12, 16, 29 and 43-49 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Durst et al. (International Application WO 98/51036, hereinafter "Durst"). For at least the following reasons, the Examiner's rejection is respectfully traversed. Durst does not describe each and every feature in the claimed invention.

Claims 1-12, 16, 29 and 43-49 have been canceled, and therefore this rejection is now moot.

With regard to new claims 51 and 68, the claims are patentable over Durst at least because Durst does not disclose an advertisement ID sending apparatus comprising an access history storing means or device for storing an access history and an access history sending

means or device, as recited in claim 51 and 68. Because Durst does not disclose each and every feature set forth in claims 51 and 68, Durst does not anticipate claim 51 and 68.

With regard to new claims 60 and 69, Durst does not disclose a history collection terminal comprising an access history requesting means or device and an access history storing means or device, as recited in claims 60 and 69. Because Durst does not disclose each and every feature set forth in claims 60 and 69, Durst does not anticipate claims 60 and 69.

With regard to new claims 65 and 70, Durst does not disclose “a user terminal which receives an advertisement ID from an advertisement ID sending apparatus which sends the advertisement ID and stores access history based on results of sending the advertisement ID to the user terminal, and which retrieves information from an information provision server using the advertisement ID” as recited in claims 65 and 70. Because Durst does not disclose each and every feature set forth in claim 1, Durst does not anticipate claims 65 and 70.

The remaining claims in this application depend directly or indirectly on claim 51, 60 or 65 and thus are patentable for at least the same reasons as the parent claim.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 09/980, 518
Amdt. Dated April 13, 2006
Reply to Office action of January 13, 2006

If there are any additional fees resulting from this communication, please charge same
to our Deposit Account No. 16-0820, our Order No. 34093.

Respectfully submitted,

PEARNE & GORDON LLP

By: 

Tomoko Ishihara, Reg. No. 56808

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: 4/13/06



REPLACEMENT SHEET

Customer No.: 000,116

Serial No.: 09/980,518

Conf. No.: 5439

Atty. Docket No.: 34093

An information gathering system capable of obtaining information from a network, comprising a pointer sender (30) for sending out a pointer of the information to be obtained from the network, a portable terminal (20) capable of accessing to the network and the pointer sender, and an information provider (40) for providing the information via the network, wherein the portable terminal uses the pointer requested to and obtained from the portable sender and easily accesses to the information provider to obtain the information.